

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA SUE SEXTON and MICHAEL SEXTON,

Plaintiffs,  
v.

LARRY LYNN DUNN, THOMAS  
CERNUTO, REDFORD CHARTER  
TOWNSHIP, a municipal corporation,  
jointly and severally,

Defendants.

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HON. MARK A. GOLDSMITH  
Case No. 2:19-cv-12574-MAG-APP

**DEFENDANT THOMAS  
CERNUTO'S ANSWER TO  
PLAINTIFFS' COMPLAINT**

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**DEFENDANT THOMAS CERNUTO'S  
ANSWER TO PLAINTIFFS' COMPLAINT**

NOW COMES Defendant, THOMAS CERNUTO (hereinafter "Defendant Cernuto"), by his attorneys, KELLER THOMA, P.C., and for his Answer to Plaintiffs' Complaint, states as follows:

**A. Response to Introduction**

1. In response to Paragraph 1 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

**RESPONSE TO JURISDICTION**

2. In response to Paragraph 2 of Plaintiffs' Complaint, Defendant Cernuto does not contest the subject matter jurisdiction of this Court at this time. In further response, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 2 that the events occurred in the Redford Charter Township, County of Wayne, State of Michigan, for the reason that he is without information or knowledge sufficient to form a belief thereto.

3. In response to Paragraph 3 of Plaintiffs' Complaint, Defendant Cernuto denies that he is liable to Plaintiff, in any amount, for the reason that it is untrue.

**RESPONSE TO VENUE**

4. In response to Paragraph 4 of Plaintiffs' Complaint, Defendant Cernuto does not contest venue and jurisdiction at this time.

**RESPONSE TO PARTIES**

5. In response to Paragraph 5 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

6. In response to Paragraph 6 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

7. In response to Paragraph 7 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

8. In response to Paragraph 8 of Plaintiffs' Complaint, Defendant Cernuto admits the allegations contained therein.

9. In response to Paragraph 9 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

**RESPONSE TO COMMON ALLEGATIONS**

**B. Response to Redford Charter Township Work Program**

10. In response to Paragraph 10 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

11. In response to Paragraph 11 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

12. In response to Paragraph 12 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

13. In response to Paragraph 13 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

14. In response to Paragraph 14 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

15. In response to Paragraph 15 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

16. In response to Paragraph 16 of Plaintiffs' Complaint, Defendant Cernuto admits only the allegation contained therein that Defendant Cernuto drove program vehicles. Defendant Cernuto denies the remaining allegations contained in Paragraph 16 for the reason that they are untrue.

**C. Response to Day One, Saturday, July 27, 2017**

17. In response to Paragraph 17 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

18. In response to Paragraph 18 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

19. In response to Paragraph 19 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

20. In response to Paragraph 20 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

21. In response to Paragraph 21 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

22. In response to Paragraph 22 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

23. In response to Paragraph 23 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

24. In response to Paragraph 24 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

25. In response to Paragraph 25 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

26. In response to Paragraph 26 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

27. In response to Paragraph 27 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

28. In response to Paragraph 28 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

29. In response to Paragraph 29 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

30. In response to Paragraph 30 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

31. In response to Paragraph 31 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

32. In response to Paragraph 32 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

33. In response to Paragraph 33 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

34. In response to Paragraph 34 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

35. In response to Paragraph 35 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

36. In response to Paragraph 36 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

37. In response to Paragraph 37 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

38. In response to Paragraph 38 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

39. In response to Paragraph 39 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

40. In response to Paragraph 40 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

41. In response to Paragraph 41 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

42. In response to Paragraph 42 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

43. In response to Paragraph 43 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

44. In response to Paragraph 44 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

45. In response to Paragraph 45 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

46. In response to Paragraph 46 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

47. In response to Paragraph 47 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

48. In response to Paragraph 48 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

49. In response to Paragraph 49 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

50. In response to Paragraph 50 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

51. In response to Paragraph 51 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

52. In response to Paragraph 52 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

53. In response to Paragraph 53 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

54. In response to Paragraph 54 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

55. In response to Paragraph 55 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

56. In response to Paragraph 56 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

57. In response to Paragraph 57 of Plaintiff's Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information or knowledge sufficient to form a belief thereto.

58. In response to Paragraph 58 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

59. In response to Paragraph 59 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

60. In response to Paragraph 60 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

61. In response to Paragraph 61 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

62. In response to Paragraph 62 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

63. In response to Paragraph 63 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

64. In response to Paragraph 64 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

65. In response to Paragraph 65 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

66. In response to Paragraph 66 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

67. In response to Paragraph 67 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

68. In response to Paragraph 68 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

69. In response to Paragraph 69 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

70. In response to Paragraph 70 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

71. In response to Paragraph 71 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

**D. Response to Day Two, Sunday, July 30, 2017**

72. In response to Paragraph 72 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

73. In response to Paragraph 73 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

74. In response to Paragraph 74 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

75. In response to Paragraph 75 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

76. In response to Paragraph 76 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

77. In response to Paragraph 77 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

78. In response to Paragraph 78 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

79. In response to Paragraph 79 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

80. In response to Paragraph 80 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

81. In response to Paragraph 81 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

82. In response to Paragraph 82 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

83. In response to Paragraph 83 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

84. In response to Paragraph 84 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

85. In response to Paragraph 85 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

86. In response to Paragraph 86 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

87. In response to Paragraph 87 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

88. In response to Paragraph 88 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

89. In response to Paragraph 89 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

90. In response to Paragraph 90 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

91. In response to Paragraph 91 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

92. In response to Paragraph 92 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

93. In response to Paragraph 93 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

94. In response to Paragraph 94 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

95. In response to Paragraph 95 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

96. In response to Paragraph 96 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

97. In response to Paragraph 97 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

98. In response to Paragraph 98 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

99. In response to Paragraph 99 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

100. In response to Paragraph 100 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

101. In response to Paragraph 101 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

102. In response to Paragraph 102 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

103. In response to Paragraph 103 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

#### **E. Response to the Police and Police investigation/Prosecution**

104. In response to Paragraph 104 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

105. In response to Paragraph 105 of Plaintiffs' Complaint, Defendant Cernuto admits the allegations contained therein.

106. In response to Paragraph 106 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

107. In response to Paragraph 107 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

108. In response to Paragraph 108 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

109. In response to Paragraph 109 of Plaintiffs' Complaint, including its subparagraphs, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

110. In response to Paragraph 110 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

111. In response to Paragraph 111 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that the polygraph report attached as Exhibit A to Plaintiffs' Complaint speaks for itself.

112. In response to Paragraph 112 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

113. In response to Paragraph 113 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that he is without information and knowledge sufficient to form a belief thereto.

114. In response to Paragraph 114 of Plaintiffs' Complaint, including its subparagraphs, Defendant Cernuto denies that Plaintiff is entitled to any of the relief requested in the allegations contained therein.

**RESPONSE TO LEGAL CLAIMS**

**RESPONSE TO COUNT I**  
**FOURTH AMENDMENT VIOALTIONS**  
**Defendant Dunn**

115. Defendant Cernuto realleges and incorporates by reference his answers to Paragraphs 1 through 114 as thought fully set forth herein.

116. In response to Paragraph 116 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies them for the reason that he is without information or knowledge sufficient to form a belief thereto.

117. In response to Paragraph 117 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained in Paragraph 117 pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 147 assert any

wrongdoing by Defendant Cernuto, Defendant Cernuto are denied for the reason that they are untrue.

118. In response to Paragraph 118 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained therein pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

119. In response to Paragraph 119 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

120. In response to Paragraph 120 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count I of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorneys fees for having to defend the same.

**RESPONSE TO COUNT II**  
**VIOLATION OF THE FOURTEENTH AMENDMENT**  
**RIGHT TO PERSONAL SECURITY AND BODILY INTEGRITY**  
**Defendant Dunn**

121. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 120 above as though fully set forth therein.

122. In response to Paragraph 122 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies them for the reason that he is without information or knowledge sufficient to form a belief thereto.

123. In response to Paragraph 123 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained in Paragraph 123 pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 123 assert any wrongdoing by Defendant Cernuto, Defendant Cernuto denies them as untrue.

124. In response to Paragraph 124 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained therein pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required, Defendant neither admits nor denies the allegations as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

125. In response to Paragraph 125 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

126. In response to Paragraph 126 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein as they relate to Defendant Cernuto for the reason that they are untrue.

127. In response to Paragraph 127 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason they are untrue.

128. In response to Paragraph 128 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations therein for the reason that they are untrue.

**RESPONSE TO COUNT II [sic]**  
**FAILURE TO PROTECT**  
**Defendant Cernuto**

129. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 120 above as though fully set forth therein.

130. In response to Paragraph 130 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 130 assert any wrongdoing against Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

131. In response to Paragraph 131 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained therein pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is

required and the allegations contained in Paragraph 131 assert any wrongdoing against Defendant Cernuto, Defendant Cernuto denied them for the reason that they are untrue.

132. In response to Paragraph 132 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

133. In response to Paragraph 133 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count II [sic] of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorney fees for having to defend the same.

**RESPONSE TO COUNT IV**  
**BYSTANDER LIABILITY/Joint TORTFEASOR**  
**Defendant[s] Dunn and Cernuto**

134. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 133 above as though fully set forth herein.

135. In response to Paragraph 135 of Plaintiff's Complaint, Defendant Cernuto denies the allegations contained therein for the reasons that they are untrue.

136. In response to Paragraph 136 of Plaintiff's Complaint, Defendant Cernuto denies the allegations contained therein for the reasons that they are untrue.

137. In response to Paragraph 137 of Plaintiff's Complaint, Defendant Cernuto denies the allegations contained therein for the reasons that they are untrue.

138. In response to Paragraph 138 of Plaintiff's Complaint, Defendant Cernuto denies the allegations contained therein for the reasons that they are untrue.

139. In response to Paragraph 139 of Plaintiff's Complaint, Defendant Cernuto denies the allegations contained therein for the reasons that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count IV of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorneys fees for having to defend the same.

**RESPONSE TO COUNT V**  
**CIVIL CONSPIRACY**

140. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 140 above as fully set forth herein.

141. In response to Paragraph 141 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

142. In response to Paragraph 142 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

143. In response to Paragraph 143 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests this Court dismiss Count V of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorney fees for having to defend the same.

**RESPONSE TO COUNT VI**  
**ELLIOT[T] LARS[E]N CIVIL RIGHTS**  
**PUBLIC ACCOMODATION**  
**All Defendants**

144. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 143 above as fully set forth herein.

145. In response to Paragraph 145 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 145 assert wrongdoing against Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

146. In response to Paragraph 146 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegation contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 146 assert wrongdoing against Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

147. In response to Paragraph 147 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required and the allegations contained in Paragraph 147 assert

wrongdoing against Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

148. In response to Paragraph 148 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 148 as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

149. In response to Paragraph 149 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained in Paragraph 149 pertain to a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required, Defendant neither admits nor denies the allegations contained in Paragraph 149 as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

150. In response to Paragraph 150 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

151. In response to Paragraph 151 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

152. In response to Paragraph 152 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained therein reference a defendant other than

Defendant Cernuto to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 152 as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

153. In response to Paragraph 153 of Plaintiffs' Complaint, Defendant Cernuto states that the allegations contained therein reference a defendant other than Defendant Cernuto to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor defendants the allegations contained in Paragraph 153 as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

154. In response to Paragraph 154 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count VI of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorney fees for having to defend the same.

**RESPONSE TO COUNT VII**  
**ELIOT[T] LARS[E]N CIVIL RIGHTS**  
**HOSTILE WORK ENVIRONMENT**  
**All Defendants**

155. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 154 above as though fully set forth herein.

156. In response to Paragraph 156 of Plaintiffs' Complaint, Defendant Cernuto for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations for the reason that he is without information or knowledge sufficient to form a belief thereto.

157. In response to Paragraph 157 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations for the reason that he is without information or knowledge sufficient to form a belief thereto.

158. In response to Paragraph 158 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations for the reason that he is without information or knowledge sufficient to form a belief thereto.

159. In response to Paragraph 159 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that it states a legal conclusion to which no answer is required. To the extent that an

answer is required, Defendant Cernuto admits only the allegation contained in Paragraph 159 that he was a supervisor in the work program. As to the remaining allegations contained in Paragraph 159 as they relate to Defendant Cernuto, Defendant Cernuto neither admits nor denies the allegations as they relate to Defendant Cernuto for the reason that he is without information or knowledge to form a belief thereto.

160. In response to Paragraph 160 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

161. In response to Paragraph 161 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

162. In response to Paragraph 162 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

163. In response to Paragraph 163 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

**RESPONSE TO COUNT III**  
**ELLIOT[T] LARS[E]N CIVIL RIGHTS**  
**DISPARATE TREATMENT**  
**All Defendants**

164. Defendant Cernuto incorporates by reference his answers to Paragraph 1 through 163 above as though fully set forth herein.

165. In response to Paragraph 165 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason

that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 165 as they relate to Defendant Cernuto for the reason that he is without information or knowledge sufficient to form a belief thereto.

166. In response to Paragraph 166 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 166 for the reason that he is without information or knowledge sufficient to form a belief thereto.

167. In response to Paragraph 167 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto neither admits nor denies the allegations contained in Paragraph 167 for the reason that he is without information or knowledge sufficient to form a belief thereto.

168. In response to Paragraph 168 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that it states a legal conclusion to which no answer is required. To the extent that an answer is required, Defendant Cernuto admits only the allegation contained in

Paragraph 168 that he was a supervisor in the work program. As to the remaining allegations contained in Paragraph 168, Defendant Cernuto neither admits nor denies them as they relate to Defendant Cernuto for the reason that he is without information or knowledge to form a belief thereto.

169. In response to Paragraph 169 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

170. In response to Paragraph 170 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

171. In response to Paragraph 171 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

172. In response to Paragraph 172 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests this Court dismiss Count VIII of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorneys fees for having to defend the same.

**RESPONSE TO COUNT IX**  
**MONELL CLAIM**  
**Defendant Redford Charter Township**

173. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 172 above as though fully set forth herein.

174. In response to Paragraph 174 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason it states a legal conclusion. To the extent that an answer is required and the allegations contained in Paragraph 174 assert any wrongdoing by Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

175. In response to Paragraph 175 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

176. In response to Paragraph 176 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

177. In response to Paragraph 177 of Plaintiffs' Complaint, including its subparagraphs, Defendant Cernuto denies the allegations contained therein as they relate to Defendant Cernuto for the reason that they are untrue.

178. In response to Paragraph 178 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein as they relate to Defendant Cernuto for the reasons that they are untrue.

179. In response to Paragraph 179 of Plaintiffs' Complaint, Defendant Cernuto neither admits nor denies the allegations contained therein for the reason that they assert a legal conclusion to which no answer is required. To the extent an answer is required and the allegations contained in Paragraph 179 assert any

wrongdoing by Defendant Cernuto, Defendant Cernuto denies them for the reason that they are untrue.

180. In response to Paragraph 180 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count IX of Plaintiffs' Complaint, with prejudice, and award Defendant Cernuto his costs and attorney fees for having to defend the same.

**RESPONSE TO COUNT X**  
**LOSS OF CONSORTIUM**

181. Defendant Cernuto incorporates by reference his answers to Paragraphs 1 through 180 above as though fully set forth herein.

182. In response to Paragraph 182 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

183. In response to Paragraph 183 of Plaintiffs' Complaint, Defendant Cernuto denies the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendant THOMAS CERNUTO requests that this Court dismiss Count X of Plaintiffs' Complaint, with prejudice, and award Thomas Cernuto his costs and attorney fees for having to defend the same.

Respectfully submitted,  
**KELLER THOMA, P.C.**

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Dated: September 10, 2019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA SUE SEXTON and MICHAEL SEXTON,

Plaintiffs,  
v.

LARRY LYNN DUNN, THOMAS  
CERNUTO, REDFORD CHARTER  
TOWNSHIP, a municipal corporation,  
jointly and severally,

Defendants.

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HON. MARK A. GOLDSMITH  
Case No. 2:19-cv-12574-MAG-APP

**DEFENDANT THOMAS  
CERNUTO'S AFFIRMATIVE  
DEFENSES**

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**AFFIRMATIVE DEFENSES**

NOW COMES Defendant, THOMAS CERNUTO, by and through his attorneys, KELLER THOMA, P.C., and for this Affirmative Defenses, states as follows:

1. Plaintiffs' Complaint fails, in whole or in part, to state a claim upon which relief can be granted.
2. Plaintiffs' claims against Defendant Cernuto are barred, in whole or in part, by the applicable statute of limitations.
3. To the extent that Plaintiffs seeks equitable relief, their claims are barred, in whole or in part, by the doctrines of waiver, unclean hands, equitable estoppel, and/or laches.
4. Plaintiffs' claims are barred, in whole or in part, by statutory governmental immunity, MCL § 691.1401, *et seq.*, qualified governmental immunity, and/or common law immunity.
5. Plaintiffs have not proven a *prima facie* case of discrimination.
6. Plaintiffs suffered no damages, have failed to reasonably mitigate their damages, or their damages are de minimis.
7. Plaintiffs' injuries, if any, were the result of pre-existing and/or degenerative conditions.

8. Plaintiffs' injuries, if any, are the result of their comparative negligence or wrongful conduct.

9. The proximate cause of any injury or damages to Plaintiffs, if any, was not any action by Defendant Cernuto.

10. Plaintiffs' damages, if any, were the result of a pre-existing and/or degenerative condition.

11. Defendant Cernuto's actions or inactions at all times with regard to Plaintiffs were not taken with malice or reckless indifference to Plaintiffs' rights.

12. Plaintiffs' claims are barred, in whole or in part, because Defendant Cernuto acted in good faith at all times.

13. Plaintiffs' claims against the Defendant Cernuto in his official capacity are barred because he did not act pursuant to an official custom or policy that was the moving force behind Plaintiffs' alleged constitutional injury.

14. Plaintiffs' constitutional claims are barred, in whole or in part, by the doctrine of qualified immunity and the holding in *Monell v. Department of Social Services* and its progeny.

15. Plaintiffs cannot establish that Plaintiff Linda Sue Sexton was treated differently than similarly situated individuals.

16. The 17<sup>th</sup> District Court's work program is not a place of public accommodation.

17. Plaintiffs were not denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations.

18. Plaintiff Linda Sue Sexton was not an employee.

19. Defendant Cernuto's actions were at all times motivated by legitimate, non-discriminatory reasons.

20. Plaintiffs' claims are barred on the grounds that they cannot demonstrate that any of Defendant Cernuto's legitimate reasons for his actions are pretext for discrimination under any theory of liability alleged in Plaintiffs' Complaint.

21. At all times, Defendant Cernuto reasonably believed his actions were consistent with his obligations under Michigan's Elliott-Larsen Civil Right Act, MCL § 37.2101 *et seq.*, and other federal and state law.

22. Defendant Cernuto adopts and incorporates by reference all Affirmative Defenses pled by Defendant Redford Charter Township and/or Defendant Larry Lynn Dunn.

23. Defendant Cernuto reserves the right to assert additional Affirmative Defenses upon discovery of facts not presently known in defending against Plaintiffs' claims.

Respectfully submitted,

**KELLER THOMA, P.C.**

By: /s/ Kathryn E. Jones \_\_\_\_\_

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Dated: September 10, 2019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDA SUE SEXTON and MICHAEL SEXTON,

Plaintiffs,  
v.

LARRY LYNN DUNN, THOMAS  
CERNUTO, REDFORD CHARTER  
TOWNSHIP, a municipal corporation,  
jointly and severally,

Defendants.

---

HON. MARK A. GOLDSMITH  
Case No. 2:19-cv-12574-MAG-APP

**DEFENDANT THOMAS  
CERNUTO'S RELIANCE  
ON DEMAND FOR JURY**

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**RELIANCE ON DEMAND FOR JURY TRIAL**

Defendant THOMAS CERNUTO, by and through his attorneys, KELLER THOMA, P.C., hereby relies upon Plaintiffs' demand for a trial by jury in the above-captioned cause of action.

Respectfully submitted,

**KELLER THOMA, P.C.**

By: /s/ Kathryn E Jones

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Dated: September 10, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on September 10, 2019, I electronically filed the foregoing papers, ***Defendant Thomas Cernuto's Answer to Complaint, Affirmative Defenses, Reliance On Demand for Jury Trial and this Certificate of Service*** with the Clerk of the Court using the ECF system which will send notification to all counsel of record, and via by First Class, U.S. Mail upon:

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